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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,763

12/14/2005

Bernd Rumpf

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27799

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07/20/2009

COHEN, PONTANI, LIEBERMAN & PAVANE LLP

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

GISSEL, GUNNAR J

ART UNIT

PAPER NUMBER

2856

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,763	<b>Applicant(s)</b> RUMPF, BERND	
	<b>Examiner</b> Gunnar J. Gissel	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11,12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11,12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 7, 9, 12, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Netzer (6,490,920).

Regarding Claims 1, 3, 7 and 9, Netzer discloses a method for manufacturing an electronic circuit arrangement in a motor vehicle fuel tank, comprising: arranging one or more electronic modules on a substrate (Netzer, Cc1 and Cc2); fixating said substrate with respect to a fuel tank wall (Netzer, column 1, lines 50-55; column 4, lines 1-5, 30-35; Netzer discloses using the device in a motor vehicle fuel tank); and soldering a metal cap to metallization on said substrate to form an encapsulated space, said one or more electronic modules being disposed in said encapsulated space and separated from any fuel or vapour outside said encapsulated space (Netzer, column 9, lines 40-45). Netzer discloses using either a printed circuit board or a mylar sheet as a substrate, both of which must be metallized in order to attach an object to the substrate via solder.

Regarding Claims 6, 12 and 15, Netzer discloses that said one or more electronic modules comprise a magnetically driven circuit or an ultrasound driven circuit for effecting said measuring (Netzer, Cc1 and Cc2, capacitors are magnetically driven).

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Regarding Claim 8, Netzer discloses said substrate comprises one or more electrical through-connections to an outside of said fuel tank (Netzer, figure 8a).

Regarding Claims 16, 17, 18, and 19, Netzer discloses said step of fixating comprises fixating said substrate directly to the fuel tank wall (Netzer, column 1, lines 50-55; column 4, lines 1-5, 30-35; Netzer discloses using the device in a motor vehicle fuel tank). Netzer discloses a substrate that is either a circuit board or a flexible plastic sheet (column 9, lines 50-55), both of which are suitable for fixating directly to the fuel tank wall.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netzer in view of Yamamoto (5,821,455).

Regarding Claims 5, 11, and 15, Netzer discloses a method for manufacturing, but does not explicitly disclose that the substrate is a ceramic substrate

Yamamoto discloses that said substrate is a ceramic substrate (Yamamoto, claim 1).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to combine the teachings of Yamamoto with the method of Netzer because Yamamoto teaches that fixing a lid to a ceramic substrate prevents splashing onto the

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substrate (column 1, lines 19-22 Yamamoto) and Netzer teaches a circuit board substrate with a lid to prevent splashing (Netzer, abstract; column 9, lines 40-45) and substituting the material of Yamamoto's circuit board for Netzer would yield no unpredictable results.

### ***Response to Arguments***

3. Applicant's arguments filed 6/2/2009 have been fully considered but they are not persuasive. Applicant argues that Netzer does not disclose an encapsulation that covers all the electronics modules and asserts that the claim requires all electronics modules are covered by the encapsulation. It is unclear what in the independent claims limits the electronic circuit arrangement to having only electronic modules inside the encapsulated space. Applicant states that Netzer has electronic components CC1 and CC2 outside the encapsulation, but it isn't necessarily true that Netzer's CC1 or CC2 qualify as electronic modules. Netzer's elements 4 and 3, shown in figure 6, along with the metal cap, are used as capacitive surfaces, but are just metallization on the surface of the substrate. Electronic module is understood to mean something more than a surface metallization, something more like an active element or integrated circuit. Applicant asserts that Netzer cannot possibly solder a metal cap to the substrate as doing so would destroy the operative ability of Netzer's device. Yet Netzer, in column 9, lines 40-50, claims to have soldered a metal cap to the substrate and seems to think that the device not only continues to function, but functions better, as it is made more durable. Perhaps Applicant means to say that soldering the metal cap directly to the substrate would destroy the ability of the device to operate, in which case one of

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ordinary skill would simply use a metallization on the substrate and solder the cap to the metallization. Also, given how soldering works, that is a melted metal is wicked onto two base metals and the wetting action of the melted metal bonds it to the two base metals, Netzer must be using a metallization on the substrate. If Netzer is not using a metalization on the substrate, then Netzer's substrate is metal, and the Netzer's electronics would not work, because they would all be shorted, as Applicant points out. Netzer's device works, therefore Netzer is soldering the metal cap to a metalization on a non-conductive substrate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunnar J. Gissel whose telephone number is (571)270-3411. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571)272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GJG/

/Hezron Williams/  
Supervisory Patent Examiner, Art  
Unit 2856

3/2/2009